

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>KENNETH DAVID JEFFERSON,</b>	<b>)</b>	
<b>Petitioner,</b>	<b>)</b>	<b>C.A. No. 21-302 Erie</b>
	<b>)</b>	
<b>v.</b>	<b>)</b>	<b>District Judge Susan Paradise Baxter</b>
	<b>)</b>	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>BRADLEY TRATE,</b>	<b>)</b>	
<b>Respondent.</b>	<b>)</b>	

**MEMORANDUM ORDER**

Petitioner Kenneth David Jefferson was sentenced by the United States District Court of the Northern District of Iowa to a term of 188 months of incarceration and a five-year term of supervised release after pleading guilty on March 23, 2015, to knowingly possessing a firearm as a felon, in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). Petitioner is currently serving his sentence of incarceration at the Federal Correctional Institution at McKean in Bradford, Pennsylvania.

On November 1, 2021, Petitioner filed this action for habeas corpus relief asking this Court to review the validity of his sentence pursuant to the “savings clause” of 28 U.S.C. § 2255, based on the Eighth Circuit Court’s decision in United States v. Oliver, 987 F.3d 794 (8<sup>th</sup> Cir. 2020). The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On March 28, 2023, Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that this case be transferred to the United States District Court for the Northern District of Iowa, pursuant to 28 U.S.C. § 1631. [ECF No. 13]. In particular, Judge Lanzillo determined that, while this Court lacks jurisdiction to consider Petitioner’s claims under In re

Dorsainvil, 119 F.3d 245, 251 (3d Cir. 1997), Petitioner may have a remedy available in the Eighth Circuit that is not available to him here. Thus, a transfer to the Northern District of Iowa is recommended in the interests of justice. No timely objections to the R&R have been filed by either party.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20th day of April, 2023,

IT IS HEREBY ORDERED that this habeas action be transferred to the United States District Court for the Northern District of Iowa, pursuant to 28 U.S.C. §1631. The report and recommendation of Magistrate Judge Lanzillo, issued on March 29, 2023 [ECF No. 13], is adopted as the opinion of this Court. Upon transfer of this action, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge

All parties of record